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IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : PATENT
:
: Ralf WNUK et al. :
:
Serial No. 10/587,302 : Art Unit:
:
Filed: July 26, 2006 : Examiner:
:
For: **FILTER DEVICE** :

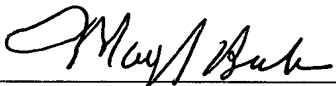
**SUBMISSION OF ENGLISH LANGUAGE
PRELIMINARY EXAMINATION REPORT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is an English language Preliminary Examination Report for the above-identified application.

Respectfully submitted,



Mark S. Bicks
Reg. No. 28,770

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Dated: May 6, 2007

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)
(PCT Rules 44bis.3(c) and 72.2)

To:

Bartels und Partner
BARTELS UND PARTNER Patentanwälte
Lange Strasse 5
70174 Stuttgart
ALLEMAGNE

Eingegangen:
Received: 02. NOV. 2006

TERMIN

Date of mailing (day/month/year) 26 October 2006 (26.10.2006)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference 40cdh/229310/PCT	
International application No. PCT/EP2004/013275	International filing date (day/month/year) 23 November 2004 (23.11.2004)
Applicant HYDAC PROCESS TECHNOLOGY GMBH et al	

1. Transmittal of the translation to the applicant.



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

None

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO
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Authorized officer

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PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 40cdh/229310/PCT	FOR FURTHER ACTION		See item 4 below
International application No. PCT/EP2004/013275	International filing date (<i>day/month/year</i>) 23 November 2004 (23.11.2004)	Priority date (<i>day/month/year</i>) 30 January 2004 (30.01.2004)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant HYDAC PROCESS TECHNOLOGY GMBH			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

Date of issuance of this report
18 October 2006 (18.10.2006)

Authorized officer

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PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing (day/month/year)	See Form PCT/ISA/210 (sheet 2)
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Applicant's or agent's file reference
40cdh/229310/PCT

FOR FURTHER ACTION
See paragraph 2 below

International application No. PCT/EP2004/013275	International filing date (day/month/year) 23.11.2004	Priority date (day/month/year) 30.01.2004
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International Patent Classification (IPC) or both national classification and IPC
B01 D29/52, B01 D29/66, B01 D29/96

Applicant
HYDAC PROCESS TECHNOLOGY GMBH

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP	Authorized officer
Facsimile No.	Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/013275

Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☐ in written format

☐ in computer readable form

c. time of filing/furnishing

☐ contained in the international application as filed.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/EP2004/013275

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	4-10	YES
	Claims	1-3	NO
Inventive step (IS)	Claims		YES
	Claims	1-10	NO
Industrial applicability (IA)	Claims	1-10	YES
	Claims		NO

2. Citations and explanations:

Reference is made to the following documents:

D1: EP-A-O 900 584 (BOLL & KIRCH FILTERBAU GMBH)
10 March 1999 (1999-03-10)

D2: DE 199 56 859 A1 (HYDAC FILTERTECHNIK GMBH) 7
June 2001 (2001-06-07)

1. Novelty

1.1 Document D1, which is considered to be the closest prior art, discloses a filter with a plurality of filter elements arranged between two rotating end portions. The rotatable end portions are guided over a sealing device, the drive taking the form of a rod-like central drive part around which the filter elements are coaxially arranged (see D1, abstract and figures).

One position of the filter elements is embodied as a backwashing position, such that one filter is cleaned when the others are in operation. The subject matter of claims 1-3 is therefore novel (PCT Article 33(2)).

2. Inventive step

2.1 The subject matter of claim 4 of the present application differs from D1 only in that the end portions are detachably connected to each other. It is questionable, on the one hand, whether such detachability is not also provided for mounting purposes in D1, even if this is not explicitly disclosed. On the other hand, the decision as to whether or not a connection is detachable or non-detachable seems to be a routine procedure for a person skilled in the art. Therefore, the subject matter of claim 4 is not based on an inventive step (PCT Article 33(3)).

2.2 Document D2, which was mentioned in the application, describes an alternative prior art in which the filter is essentially of similar construction, but in which it is not the filter, but rather the cleaning position that is configured to be moved by means of backwashing arms. The filter elements in this filter are conical slit-screen filter elements. Since these features have already been used for the same purpose in a similar filter, it is obvious to a person skilled in the art, if he wishes to achieve the same aim with a filter according to document D1, to apply these features with corresponding and known effects to the subject matter of D1. In this way, he would arrive at a filter device as per claims 7 and 10, without this involving an

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/013275

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

inventive step. Therefore, the subject matter of claims 7 and 10 also fails to satisfy the requirements of PCT Article 33(3).

- 2.3 The other dependent claims merely seem to contain features that are already known from the prior art and which would therefore be easily combined, without this involving an inventive step, or whose embodiment is a routine matter for a person skilled in the art (PCT Article 33(3)).

3. **Industrial applicability**

Industrial applicability is obvious.